

REISSUE APPLICATION DECLARATION BY THE INVENTOR

Docket Number (Optional)

BMID9738US

As a below named inventor, I hereby declare that:

My residence, mailing address and citizenship are stated below next to my name.

I believe I am the original, first and sole inventor (if only one name is listed below) or an original, first and joint inventor (if plural names are listed below) of the subject matter which is described and claimed

in patent number 5,997,817, granted December 7, 1999, and for which a

reissue patent is sought on the invention ELECTROCHEMICAL BIOSENSOR TEST STRIP

the specification of which

☐ is attached hereto.

☒ was filed December 7, 2001 as reissue application number 10/008,788
and was amended _____
(If applicable)

I have reviewed and understand the contents of the above identified specification, including the claims, as amended by any amendment referred to above.

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I verily believe the original patent to be wholly or partly inoperative or invalid, for the reasons described below. (Check all boxes that apply.)

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[Page 1 of 2]

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(REISSUE APPLICATION DECLARATION BY THE INVENTOR, page 2)

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Name(s) Registration Number
Michelle Davidson Neff, Reg. No. 47,817; D. Michael Young, Reg. No. 33,819; Marilyn L. Amick, Reg. No. 30,444;
Brent A. Harris, Reg. No. 39,215; Richard T. Knauer, Reg. No. 35,575; Kenneth J. Waite, Reg. No. 45,189; and
Jill Lynn Woodburn, Reg. No. 39,874.

Correspondence Address: Direct all communications about the application to:

☐ Customer Number

Type Customer Number here

Place Customer Number Bar
Code Label here

<input checked="" type="checkbox"/> Firm or Individual Name	Roche Diagnostics Corporation				
Address	9115 Hague Road, Bldg. D				
Address	P.O. Box 50457				
City	Indianapolis,	State	IN	Zip	45240-0457
Country	United States of America				
Telephone	(317) 521-2851	Fax	(317) 521-2883		

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine and imprisonment, or both, under 18 U.S.C. 1001, and that such willful false statements may jeopardize the validity of the application, any patent issuing thereon, or any patent to which this declaration is directed.

Full name of sole or first inventor (given name, family)
William F. CRISMORE

Inventor's signature <i>William F. Crismore</i>	Date 5-24-2002
Residence 1811 S. Fox Cove Ave., New Palenstine, IN 46163	Citizenship U.S.
Mailing Address (same as residence) <i>DEKKO Medical DEVICES P.O. Box 246 6928 N. 400E DUCK 109 KENDALLVILLE, IN 46755</i>	

Full name of second joint inventor (given name, family name)
Nigel A. SURRIDGE

Inventor's signature	Date
Residence 857 Nevelle Lane, Carmel, IN 46032	Citizenship U.K.
Mailing Address (same as residence)	

Full name of third joint inventor (given name, family name)
Daniel R. McMINN

Inventor's signature	Date
Residence 11795 Windcreek Overlook, Alpharetta, GA 30005	Citizenship U.S.
Mailing Address 235 Hembree Park Drive, Roswell, GA 30073	

☒ Additional joint inventors are named on separately numbered sheets attached hereto.

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(Attachment – Page 3)

Full name of fourth inventor (given name, family name) Richard J. BODENSTEINER	
Inventor's signature	Date
Residence 2960 Holyrood Drive, Oakland, CA 94611	Citizenship U.S.
Mailing Address Aradigm Corporation, 3929 Point Eden Way, Hayward, CA 94545	
Full name of fifth inventor (given name, family name) Eric R. Diebold	
Inventor's signature	Date
Residence 8765 Providence Drive, Noblesville, IN 46060	Citizenship U.S.
Mailing Address (same as residence)	
Full name of sixth inventor (given name, family name) R. Dale Delk	
Inventor's signature	Date
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Mailing Address (same as residence)	
Full name of seventh inventor (given name, family name) David W. Burke	
Inventor's signature	Date
Residence 8951 RiverBend Court, Indianapolis, IN 46250	Citizenship U.S.
Mailing Address (same as residence)	
Full name of eighth inventor (given name, family name) Jiaxiong Jason HO	
Inventor's signature	Date
Residence 5275 Ivy Hill Drive, Carmel, IN 46033	Citizenship U.S.
Mailing Address (same as residence)	
Full name of ninth inventor (given name, family name) Robert Kitchel EARL	
Inventor's signature	Date
Residence 12598 Spring Violet Place, Carmel, IN 46033	Citizenship U.S.
Mailing Address (same as residence)	

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Full name of tenth inventor (given name, family name) Brian A. Heald	
Inventor's signature	Date
Residence 10337 Seagrave Drive, Fishers, IN 46038	Citizenship U.S.
Mailing Address (same as residence)	

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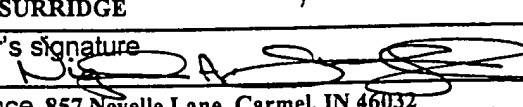
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Mailing Address (same as residence)					
Full name of second joint inventor (given name, family name) Nigel A. SURRIDGE					
Inventor's signature				Date  May 30, 2002	
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Inventor's signature <i>[Signature]</i>	Date ✓ 5/16/02
Residence 8765 Providence Drive, Noblesville, IN 46060	Citizenship U.S.
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Full name of sixth inventor (given name, family name) R. Dale Delk	
Inventor's signature <i>[Signature]</i>	Date ✓ 5-29-02
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Inventor's signature ✓ <i>Brian A. Heald</i>	Date ✓ 6/4/12
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Inventor's signature <i>[Signature]</i>			Date ✓ 3-20-02		
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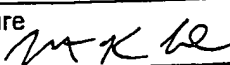
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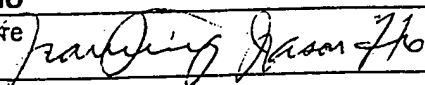
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Full name of sole or first inventor (given name, family name) William F. CRISMORE					
Inventor's signature			Date		
Residence 1811 S. Fox Cove Ave., New Palenstine, IN 46163			Citizenship U.S.		
Mailing Address (same as residence)					
Full name of second joint inventor (given name, family name) Nigel A. SURRIDGE					
Inventor's signature			Date		
Residence 857 Nevelle Lane, Carmel, IN 46032			Citizenship U.K.		
Mailing Address (same as residence)					
Full name of third joint inventor (given name, family name) Daniel R. McMINN					
Inventor's signature			Date		
Residence 11795 Windcreek Overlook, Alpharetta, GA 30005			Citizenship U.S.		
Mailing Address 235 Hembree Park Drive, Roswell, GA 30073					
<input checked="" type="checkbox"/> Additional joint inventors are named on separately numbered sheets attached hereto.					

REISSUE APPLICATION DECLARATION BY THE INVENTOR
(Attachment – Page 3)

Full name of fourth inventor (given name, family name) Richard J. BODENSTEINER	
Inventor's signature	Date
Residence 2960 Holyrood Drive, Oakland, CA 94611	Citizenship U.S.
Mailing Address Aradigm Corporation, 3929 Point Eden Way, Hayward, CA 94545	
Full name of fifth inventor (given name, family name) Eric R. Diebold	
Inventor's signature	Date
Residence 8765 Providence Drive, Noblesville, IN 46060	Citizenship U.S.
Mailing Address (same as residence)	
Full name of sixth inventor (given name, family name) R. Dale Delk	
Inventor's signature	Date
Residence 1605 South Stockport Drive, Muncie, IN 47304	Citizenship U.S.
Mailing Address (same as residence)	
Full name of seventh inventor (given name, family name) David W. Burke	
Inventor's signature	Date
Residence 8951 RiverBend Court, Indianapolis, IN 46250	Citizenship U.S.
Mailing Address (same as residence)	
Full name of eighth inventor (given name, family name) Jiaxiong Jason HO	
Inventor's signature ✓ 	Date ✓ 05/20/2002
Residence 5275 Ivy Hill Drive, Carmel, IN 46033	Citizenship U.S.
Mailing Address (same as residence)	
Full name of ninth inventor (given name, family name) Robert Kitchel EARL	
Inventor's signature	Date
Residence 12598 Spring Violet Place, Carmel, IN 46033	Citizenship U.S.
Mailing Address (same as residence)	

REISSUE APPLICATION DECLARATION BY THE INVENTOR
(Attachment – Page 4)

Full name of tenth inventor (given name, family name) Brian A. Heald	
Inventor's signature	Date
Residence 10337 Seagrave Drive, Fishers, IN 46038	Citizenship U.S.
Mailing Address (same as residence)	

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REISSUE APPLICATION DECLARATION BY THE INVENTOR

Docket Number (Optional)
BMID9738US

As a below named inventor, I hereby declare that:

My residence, mailing address and citizenship are stated below next to my name.

I believe I am the original, first and sole inventor (if only one name is listed below) or an original, first and joint inventor (if plural names are listed below) of the subject matter which is described and claimed

in patent number 5,997,817, granted December 7, 1999, and for which a
reissue patent is sought on the invention ELECTROCHEMICAL BIOSENSOR TEST STRIP

the specification of which

☐ is attached hereto.

☒ was filed December 7, 2001 as reissue application number 10/008,788
and was amended _____
(If applicable).

I have reviewed and understand the contents of the above identified specification, including the claims,
as amended by any amendment referred to above.

I acknowledge the duty to disclose information which is material to patentability as defined in
37 CFR 1.56.

I verily believe the original patent to be wholly or partly inoperative or invalid, for the reasons described
below. (Check all boxes that apply.)

☐ by reason of a defective specification or drawing.

☒ by reason of the patentee claiming more or less than he had the right to claim in the patent.

☐ by reason of other errors.

At least one error upon which reissue is based is described below. If the reissue is a broadening
reissue, such must be stated with an explanation as to the nature of the broadening:

The error upon which this broadening reissue application is based is that the patentee failed to appreciate that the features
of sample application port identification, sample sufficiency confirmation, and reduction of dose hesitation could be claimed
with other test strip structures in addition to the strip structures originally claimed.

[Page 1 of 2]

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number

(REISSUE APPLICATION DECLARATION BY THE INVENTOR, page 2)

Docket Number (Optional)
BMID9738REUS

All errors corrected in this reissue application arose without any deceptive intention on the part of the applicant. As a named inventor, I hereby appoint the following attorney(s) and/or agent(s) to prosecute this application and transact all business in the United States Patent and Trademark Office connected therewith.

Name(s)	Registration Number
<u>Michelle Davidson Neff, Reg. No. 47,817; D. Michael Young, Reg. No. 33,819; Marilyn L. Amick, Reg. No. 30,444;</u>	
<u>Brent A. Harris, Reg. No. 39,215; Richard T. Knauer, Reg. No. 35,575; Kenneth J. Waite, Reg. No. 45,189; and</u>	
<u>Jill Lynn Woodburn, Reg. No. 39,874.</u>	

Correspondence Address: Direct all communications about the application to:

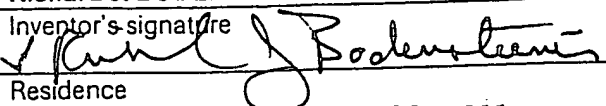
☐ Customer Number

Type Customer Number here

Place Customer Number Bar
Code Label here

<input checked="" type="checkbox"/> Firm or Individual Name	Roche Diagnostics Corporation				
Address	9115 Hague Road, Bldg. D				
Address	P.O. Box 50457				
City	Indianapolis,	State	IN	Zip	45240-0457
Country	United States of America				
Telephone	(317) 521-2851	Fax	(317) 521-2883		
I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine and imprisonment, or both, under 18 U.S.C. 1001, and that such willful false statements may jeopardize the validity of the application, any patent issuing thereon, or any patent to which this declaration is directed.					
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REISSUE APPLICATION DECLARATION BY THE INVENTOR
(Attachment – Page 3)

Full name of fourth inventor (given name, family name) Richard J. BODENSTEINER	
Inventor's signature 	Date ✓ 17 May 2002
Residence 2960 Holyrood Drive, Oakland, CA 94611	Citizenship U.S.
Mailing Address Aradigm Corporation, 3929 Point Eden Way, Hayward, CA 94545	
Full name of fifth inventor (given name, family name) Eric R. Diebold	
Inventor's signature	Date
Residence 8765 Providence Drive, Noblesville, IN 46060	Citizenship U.S.
Mailing Address (same as residence)	
Full name of sixth inventor (given name, family name) R. Dale Delk	
Inventor's signature	Date
Residence 1605 South Stockport Drive, Muncie, IN 47304	Citizenship U.S.
Mailing Address (same as residence)	
Full name of seventh inventor (given name, family name) David W. Burke	
Inventor's signature	Date
Residence 8951 RiverBend Court, Indianapolis, IN 46250	Citizenship U.S.
Mailing Address (same as residence)	
Full name of eighth inventor (given name, family name) Jiaxiong Jason HO	
Inventor's signature	Date
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REISSUE APPLICATION DECLARATION BY THE INVENTOR
(Attachment – Page 4)

Full name of tenth inventor (given name, family name) Brian A. Heald	
Inventor's signature	Date
Residence 10337 Seagrave Drive, Fishers, IN 46038	Citizenship U.S.
Mailing Address (same as residence)	

REISSUE APPLICATION DECLARATION BY THE INVENTOR

Docket Number (Optional)
BMID9738US

As a below named inventor, I hereby declare that:

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in patent number 5,997,817, granted December 7, 1999, and for which a
reissue patent is sought on the invention ELECTROCHEMICAL BIOSENSOR TEST STRIP

the specification of which

☐ is attached hereto.☒ was filed December 7, 2001 as reissue application number 10/008,788
and was amended _____
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Docket Number (Optional)
BMID9738REUS

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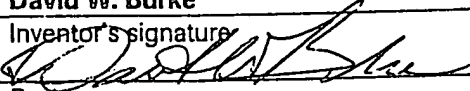
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Code Label here

<input checked="" type="checkbox"/> Firm or Individual Name	Roche Diagnostics Corporation				
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Full name of sixth inventor (given name, family name) R. Dale Delk	
Inventor's signature	Date
Residence 1605 South Stockport Drive, Muncie, IN 47304	Citizenship U.S.
Mailing Address (same as residence)	
Full name of seventh inventor (given name, family name) David W. Burke	
Inventor's signature 	Date May 21, 2002
Residence 8951 RiverBend Court, Indianapolis, IN 46250	Citizenship U.S.
Mailing Address (same as residence)	
Full name of eighth inventor (given name, family name) Jiaxiong Jason HO	
Inventor's signature	Date
Residence 5275 Ivy Hill Drive, Carmel, IN 46033	Citizenship U.S.
Mailing Address (same as residence)	
Full name of ninth inventor (given name, family name) Robert Kitchel EARL	
Inventor's signature	Date
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REISSUE APPLICATION DECLARATION BY THE INVENTOR
(Attachment – Page 4)

Full name of tenth inventor (given name, family name) Brian A. Heald	
Inventor's signature	Date
Residence 10337 Seagrave Drive, Fishers, IN 46038	Citizenship U.S.
Mailing Address (same as residence)	

STATEMENT UNDER 37 CFR 3.73(b)

Applicant: William F. Crismore et al.

Application No.: 10/008,788 Filed: December 7, 2001

Entitled: IMPROVED ELECTROCHEMICAL BIOSENSOR TEST STRIP

Roche Diagnostics Corporation, a

Indiana corporation,

(Name of Assignee)

(Type of Assignee, e.g., corporation, partnership, university, government agency, etc.)

states that it is:

1. ☒ the assignee of the entire right, title, and interest; or
2. ☐ an assignee of an undivided part interest

in the patent application identified above by virtue of either:

- A. ☒ An assignment from the inventor(s) of the patent application identified above. The assignment was recorded in the Patent and Trademark Office at Reel 9195, Frame 0117, or for which a copy thereof is attached.

OR

- B. ☐ A chain of title from the inventor(s), of the patent application identified above, to the current assignee as shown below:

1. From: _____ To: _____
The document was recorded in the Patent and Trademark Office at
Reel _____, Frame _____, or for which a copy thereof is attached.
2. From: _____ To: _____
The document was recorded in the Patent and Trademark Office at
Reel _____, Frame _____, or for which a copy thereof is attached.
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The document was recorded in the Patent and Trademark Office at
Reel _____, Frame _____, or for which a copy thereof is attached.

☐ Additional documents in the chain of title are listed on a supplemental sheet.

☐ Copies of assignments or other documents in the chain of title are attached.

The undersigned (whose title is supplied below) is empowered to sign this statement on behalf of the assignee.

May 10, 2002
Date

Steve A. Oldham
Signature

Steve A. Oldham

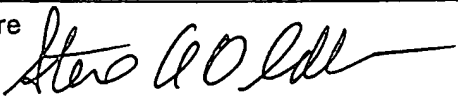
Typed or printed name

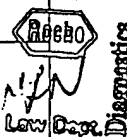
V. President, General Counsel & Secretary

Title



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REISSUE APPLICATION: CONSENT OF ASSIGNEE; STATEMENT OF NON-ASSIGNMENT		Docket Number (Optional) BMID9738REUS
<p>This is part of the application for a reissue patent based on the original patent identified below.</p>		
Name of Patentee(s) Roche Diagnostics Corporation		
Patent Number 5,997,817	Date Patent Issued December 7, 1999	
Title of ELECTROCHEMICAL BIOSENSOR TEST STRIP		
<p>1. <input checked="" type="checkbox"/> Filed herein is a statement under 37 CFR 3.73(b). (Form PTO/SB/96)</p> <p>2. <input type="checkbox"/> Ownership of the patent is in the inventor(s); and no assignment of the patent is in effect.</p> <p>One of boxes 1 or 2 above must be checked. If multiple assignees, complete this form for each assignee. If box 2 is checked, skip the next entry and go directly to "Name of Assignee".</p> <p>The written consent of all assignees and inventors owning an undivided interest in the original patent is included in this application for reissue.</p>		
<p>The assignee(s) owning an undivided interest in said original patent is/are <u>Roche Diagnostics Corporation</u>, and the assignee(s) consents to the accompanying application for reissue.</p>		
Name of assignee/inventor (if not assigned)		
Roche Diagnostics Corporation		
Signature 	Date May 20, 2002	
<p>Typed or printed name and title of person signing for assignee (if assigned)</p> <p>Steve A. Oldham, Vice President and General Counsel and Secretary</p>		



Burden Hour Statement: This form is estimated to take 0.1 hours to complete. Time will vary depending upon the needs of the individual case. Any comments on the amount of time you are required to complete this form should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, Washington, DC 20231. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Assistant Commissioner for Patents, Washington, DC 20231.

Associate Power Of Attorney Or Agent (37 CFR 1.34)
(For Representation Related To A Patent Application)

Docket No.
BMID9738REUS

In Re Application Of: William F. CRISMORE, et al.

Serial No.
10/008,788

Filing Date
December 7, 2001

Examiner
To Be Assigned

Group Art Unit
To Be Assigned

Invention: ELECTROCHEMICAL BIOSENSOR TEST STRIP

TO THE ASSISTANT COMMISSIONER FOR PATENTS:

Please recognize the following as ☒ Associate Attorney ☐ Associate Agent in this application.

Name: Tom Henry

Reg. No.: 28,309

Address: Woodard, Emhardt, Naughton, Moriarty & McNett
Bank One Center
111 Monument Circle
Suite 3700
Indianapolis, IN 462043

Tel. No. 317-634-3456


Signature of Principal Attorney or Agent of Record

Michelle Neff, Reg. No. 47,817
Roche Diagnostics Corporation
9115 Hague Road, Bldg D
P.O. Box 50457
Indianapolis, IN 46250-0457
Telephone: (317) 521-2851
Facsimile: (317) 521-2883

Registration Number & Address of Principal Attorney or Agent of Record

Dated: 10/8/02

I certify that this document is being deposited on
with the U.S. Postal Service as first
class mail under 37 C.F.R. 1.8 and is addressed to the
Assistant Commissioner for Patents, Washington, D.C.
20231.

Signature of Person Mailing Correspondence

Typed or Printed Name of Person Mailing Correspondence